

## Eastern District of Texas

WHIRLPOOL PROPERTIES, INC.,  
WHIRLPOOL CORPORATION, and  
MAYTAG PROPERTIES, LLC,

Plaintiff(s)

V.

PATRIOT SUPPLY, INC.,

Defendant(s)

Civil Action No. 2:20-cv-00014

# SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Patriot Supply, Inc.  
20-22 West Mall  
Garden City, NY 11803

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Jeffrey D. Harty

Jeffrey D. Harty  
NYEMASTER GOODE, P.C.  
700 Walnut Street, Ste. 1600  
Des Moines, IA 50309-3899

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: **1/23/20**

CLERK OF COURT

David A. O'foole

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*Signature of Clerk or Deputy Clerk*

U.S. DISTRICT COURT

COUNTY OF

WHIRLPOOL PROPERTIES, INC.,  
WHIRLPOOL CORPORATION, and  
MAYTAG PROPERTIES, LLC

Plaintiff(s)

PATRIOT SUPPLY, INC.

Defendant(s)

CIVIL ACTION

Index No. 2:20-cv-14

AFFIDAVIT OF  
SERVICE OF COMPLAINT

STATE OF NEW YORK, COUNTY OF NASSAU

MIRIAM LAFER ss.:

being duly sworn, deposes and says: that deponent is not a party  
to this action, is over 18 years of age and resides at 75 ABBOT AVE, N. MERRICK, NY 11566  
That on FEBRUARY 3, 2020 at 2:30 P.M., at 20-22 WEST MALL, PLAINVIEW, NY 11803  
deponent served the within COMPLAINT on PATRIOT SUPPLY, INC. defendant therein named,

INDIVIDUAL by delivering a true copy of each to said defendants personally; deponent knew the person so served to be the person described as said  
1. ☐ defendant therein.

CORPORATION a DOMESTIC corporation, by delivering thereat a true copy of each to JOSEPH MOODY  
2. ☒ personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said  
individual to be VICE PRESIDENT thereof

SUITABLE by delivering thereat a true copy of each to a person of suitable  
AGE PERSON age and discretion. Said premises is defendant's—actual place of business—dwelling house—usual place of abode—within the state.  
3. ☐

AFFIXING TO by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling house—usual  
DOOR, ETC.: place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion,  
4. ☐ thereat, having called there

MAILING Deponent also enclosed a copy of same in a postpaid sealed wrapper properly addressed to defendant at defendant's last known resi-  
USE WITH dence, at  
3 or 4 in—a post office—official depository under exclusive care and custody of the United States Postal Service within New York State.  
☐

DESCRIPTION Deponent describes the individual served as follows:  
USE WITH ☐ Male ☐ White Skin ☐ Black Hair ☐ 14-20 Yrs. ☐ Under 5' ☐ Under 100 Lbs.  
1 or 3 ☐ Female ☐ Black Skin ☐ Brown Hair ☐ White Hair ☐ 21-35 Yrs. ☐ 5'0"-5'3" ☐ 100-130 Lbs.  
☐ Yellow Skin ☐ Blond Hair ☐ Balding ☐ 36-50 Yrs. ☐ 5'4"-5'8" ☐ 131-160 Lbs.  
☐ Brown ☐ Gray Hair ☐ 51-65 Yrs. ☐ 5'9"-6'0" ☐ 161-200 Lbs.  
☐ Red Skin ☐ Red Hair ☐ Over 65 Yrs. ☐ Over 6' ☐ Over 200 Lbs.

Other identifying features:

USE IN  
NYC CIVIL CT.

☐

The language required by NYCRR 2900.2(e), (f) & (h) was set forth on the face of said summons(es).

MILITARY  
SERVICE

☒

I asked the person spoken to whether defendant was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Defendant wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated.

Upon information and belief I aver that the defendant is not in the military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on 2/4/2020

MARYANN BOCCARDI  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01B05081242  
Qualified in Westchester County  
Commission Expires June 30, 2023

Print name beneath signature

Maryann Boccardi

MIRIAM LAFER

LICENSE NO.

INSTRUCTIONS: Check appropriate boxes and fill in blanks. Delete inappropriate italicized language and mili-